

1 Q. In February of 2005, that is during the period of
2 time that your decision-making day coaching was active,
3 you were accused of misconduct, correct?

4 A. Correct.

5 Q. Do you know who accused you of misconduct?

6 A. I believe an assistant manager.

7 Q. Tell me how you learned of the allegations made
8 against you in February of 2005.

9 A. Glen Locket interviewed me.

10 Q. Do you recall what position Mr. Locket held at
11 that time?

12 A. District loss prevention.

13 Q. He's a district manager over loss prevention?

14 A. Just district loss prevention is all I know him
15 as.

16 Q. Have you ever worked within loss prevention?

17 A. No.

18 Q. Do you know that Mr. Locket as a district loss
19 prevention supervisor is responsible for overseeing the
20 district?

21 A. Yes.

22 Q. Tell me what you remember about your interview
23 with Mr. Locket.

24 A. He asked me about Maria Gonzales, I believe her
25 name was, and if she had asked for an interpreter and

1 why -- why did I terminate two other associates. And I
2 told him that I was informed to do so.

3 Q. You told Mr. Locket that you were asked to
4 terminate Ms. Gonzales and two other associates by
5 Ms. Stover?

6 A. Yes.

7 Q. When Mr. Locket asked you whether Maria Gonzales
8 asked for an interpreter during your exit interview with
9 her, what did you tell him?

10 A. No. She did not say, I need an interpreter.

11 Q. Okay. But she did explain to you that she wasn't
12 understanding what you were saying, correct?

13 A. She said she didn't understand the CBLs.

14 Q. And what did you respond when she told you that
15 she didn't understand the CBLs?

16 A. That's when I started backing off on -- I didn't
17 do the termination.

18 Q. Okay. Do you recall that Ron Trimball was
19 present when you had this exit interview with Ms.
20 Gonzales?

21 A. Yes.

22 Q. And Ron Trimball is an assistant manager?

23 A. Yes.

24 Q. You asked Mr. Trimball to sit in the termination
25 of Ms. Gonzales as a witness?

1 A. Yes.

2 Q. Do you know what Mr. Trimball reported to
3 Wal-Mart management about what occurred during that exit
4 interview between you and Ms. -- strike that.

5 Do you know what Mr. Trimball reported to
6 Wal-Mart management about what occurred during this exit
7 interview of Ms. Gonzales?

8 A. Not in its entirety. All that I do know is that
9 he said I refused her an interpreter.

10 Q. Okay. So you are aware that Mr. Trimball accused
11 you of denying Ms. Gonzales' request for a Spanish
12 interpreter?

13 A. Yes.

14 Q. Are you aware that Ms. Gonzales, herself, accused
15 you of denying her request for a Spanish interpreter?

16 A. Yes.

17 Q. And I know it's your position that Ms. Gonzales
18 never asked for a Spanish interpreter during the exit
19 interview?

20 A. Yes.

21 Q. Okay. You would agree, though, that as a member
22 of Wal-Mart management, if an associate that does not
23 speak English well asks for an interpreter, you are
24 required to get one, correct?

25 A. I'm aware of this, yes.

1 Q. This occurred at a point in time where the
2 company could have terminated you given that you had an
3 active decision-making day coaching in your file,
4 correct?

5 A. Right.

6 Q. Rather than being terminated, you were demoted,
7 correct?

8 A. Correct.

9 Q. Okay. And even though you were demoted, your pay
10 and benefits did not decrease, correct?

11 A. Correct.

12 Q. Did Mr. Locket explain to you that you could have
13 been terminated as opposed to demoted at that time?

14 A. Yes.

15 Q. From that point in time when you were demoted for
16 refusing to give Ms. Gonzales an interpreter and for
17 having a heavy-handed managerial style up until today,
18 have you suffered any loss of pay?

19 A. No, it's always stayed the same.

20 Q. From that point in time that you were demoted up
21 until today, have you had any loss of benefits?

22 A. No.

23 Q. From the time you were demoted in February 2005
24 and became an assistant manager as a result of that
25 demotion, have you suffered any loss of corporate rank

1 or title?

2 A. Title. I went from a co-manager to an assistant
3 manager.

4 Q. Now, I understand that as a result of demotion in
5 February 2005, your title changes from co-manager to
6 assistant manager, correct?

7 A. Yes.

8 Q. My question is: From that point in time -- from
9 the time your title changed from co-manager to assistant
10 manager up until today, have you had any change in your
11 corporate title or rank?

12 A. No.

13 Q. Do you know who made the decision to demote you
14 in February 2005?

15 A. Glen.

16 Q. To your knowledge, was Mr. Locket, Glen Locket,
17 involved in the red book investigation relating to your
18 sexual harassment complaint?

19 A. No, not to my knowledge.

20 Q. Okay. You never complained to Mr. Locket about
21 alleged sexual harassment, correct?

22 A. No.

23 Q. You don't have any personal knowledge of
24 Mr. Locket being made aware -- strike that.

25 As of the time that you were demoted, you

1 had not yet filed a charge of discrimination, correct?

2 A. Correct.

3 Q. So it is true that you have no reason to believe
4 that the decision maker with regard to your demotion,
5 Mr. Glen Locket, had any knowledge of you ever opposing
6 sexual harassment in the workplace, correct?

7 A. Correct.

8 Q. And the decision maker with regard to your
9 demotion, Mr. Locket, could not have known of your
10 participation in the EEOC or your filing of the charge
11 of discrimination 'cause it had not yet occurred as of
12 the time he made the decision to demote you, correct?

13 A. Correct.

14 Q. As a result of the red book investigation that
15 was conducted as a result of your sexual harassment
16 complaint, was anybody disappointed or terminated to
17 your knowledge?

18 A. Yes.

19 Q. Who?

20 A. Ronnie Robertson.

21 Q. He was terminated?

22 A. Yes.

23 Q. Was anybody else disciplined or terminated to
24 your knowledge?

25 A. John Farrar.

1 Q. Was he discharged or terminated?

2 A. He was terminated.

3 Q. Anybody else?

4 A. To my knowledge that's it.

5 Q. When you were demoted in February '05 for the
6 allegation we've already discussed, you were then
7 transferred from the Wylie store; is that correct?

8 A. I'm sorry. What was that?

9 Q. As a result of your demotion in February '05 for
10 the allegations we've already discussed, you were
11 transferred from the Wylie store to the Frankford and
12 Marsh store?

13 A. Yes.

14 Q. And you were told that the reason you were being
15 transferred was that it was company policy to have a
16 manager transferred to another store after he or she is
17 demoted, correct?

18 A. That wasn't explained to me at the time.

19 Q. Okay. Have you since learned that?

20 A. Yes.

21 Q. You do know that's company policy, correct?

22 A. Yes.

23 Q. Are you aware of anybody else at Wal-Mart who
24 was -- strike that.

25 Are you aware of any other Wal-Mart manager

1 MR. CLARK: Okay. Well, whenever he sticks
2 his head out is when we'll take a break.

3 MR. FORMAN: Okay. No problem.

4 MR. CLARK: Unless you want to take one
5 before that?

6 THE WITNESS: No. I just want to get it
7 over with.

8 MR. FORMAN: We're on the home stretch.

9 Q. (BY MR. FORMAN) Actually before we go on to this,
10 you have told us that in terms of your complaint of
11 sexual harassment I know about Defense Exhibit No. 8
12 that you sent to Mr. Murphy on May 5th, 2004, right?

13 A. Yes.

14 Q. And you tell us that at some point later you
15 complained to Paula Stover, correct?

16 A. Yes.

17 Q. How many times did you speak to Paula Stover
18 about the alleged sexual harassment?

19 A. About three or four times.

20 Q. And do you remember what you and she discussed?

21 A. We talked about when she called Alan to see what
22 kind of co-manager performance I was, and I told her
23 about incidents that happened at the store.

24 Q. Okay. I want you to tell me everything that you
25 remember in terms of your discussions with Ms. Stover

1 about the alleged sexual harassment.

2 A. I told her about the communication.

3 Q. I'm sorry. You told her about the --

4 A. Communication meetings.

5 Q. What'd you tell her about the communication
6 meetings?

7 A. Pretty much what I put in my statement about the
8 dirty jokes that went on and their talking about their
9 wives and their partners, what they would do when we
10 would stand up at the front.

11 Q. Was that one of the three conversations?

12 A. Yes. And I told her when Ronnie had called me.
13 I told her about that.

14 Q. You're referring to the conversation you had with
15 Mr. Robertson in January 2005 as you described earlier
16 today?

17 A. Yes.

18 Q. Okay. That's the second conversation you had
19 with her?

20 A. Uh-huh.

21 Q. Yes?

22 A. Yes.

23 Q. And did you have any other conversation with her?

24 A. I'm pretty sure I did. We talked about it
25 periodically. I just can't remember an exact date to

1 give you.

2 Q. Okay. When you say that you told Ms. Stover
3 about the communication meetings, did you tell
4 Ms. Stover that you wanted her to investigate or take
5 any action?

6 A. No.

7 Q. Okay. And so if I'm understanding correctly, you
8 are having a conversation with Ms. Stover and you were
9 just describing to her the way the managers behaved at
10 the Rockwall store when you worked there?

11 A. Yes.

12 Q. You didn't say that you believed you were
13 sexually harassed or something to that effect. It was
14 more a description of what had occurred?

15 A. I told her there was sexual harassment in the
16 store.

17 Q. Okay. But you didn't tell her that you believed
18 you were being sexually harassed, correct?

19 A. No.

20 Q. That is correct, right?

21 A. That's correct, right.

22 Q. If I'm understanding correctly, this conversation
23 you had with Mr. Stover before the January 2005
24 telephone call that you received from Mr. Robertson, was
25 you stating generally that there's sexual harassment at

1 were just having a friendly conversation?

2 A. I felt comfortable talking to her.

3 Q. Okay. And so you were having a friendly
4 conversation. You were describing what had occurred at
5 the other store?

6 A. We were having a conversation.

7 Q. You didn't expect her to take any action as a
8 result of that conversation, did you?

9 A. I don't -- I didn't know what to expect.

10 Q. Well, you told us you didn't ask her to take any
11 action, correct?

12 A. Correct.

13 Q. You were just having a conversation with her.
14 You did not expect her to take any action, did you?

15 MR. CLARK: Objection as to form.

16 Q. (BY MR. FORMAN) Did you?

17 A. I was having a conversation with her. I didn't
18 know what she was going to do.

19 (Defense Exhibit No. 11 marked.)

20 Q. (BY MR. FORMAN) Let me show you what's been
21 marked as Defense Exhibit No. 11 for identification.
22 I'll ask you to take a look at that and ask you if you
23 recognize that document.

24 A. Yes.

25 Q. This is the one and only charge of discrimination